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In re Application of	:
JACK, William E. et al.	:
PCT Application No.: PCT/US00/26900	: DECISION ON
US Application No.: 10/089,027	:
Int. Filing Date: 29 September 2000	: PETITION UNDER
Priority Date: 30 September 1999	:
Attorney's File Reference: NEB-166-PUS	: 37 CFR 1.181
For: INCORPORATION OF MODIFIED	:
NUCLEOTIDES BY ARCHAEON DNA	:
POLYMERASES AND RELATED	:
METHODS	:.

BACKGROUND

On 06 June 2002, the applicants filed, inter alia, a request that the computer readable version of the sequence listing filed in the above-identified international application, and used by US International Searching Authority for purposes of completion of the International Search Report, be used in the above-identified US national stage application based upon that international application in accordance with 37 CFR 1.821(e).

On 30 September 2003, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating, inter alia, that a copy of the sequence listing in computer readable form had not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).

On 22 October 2003, the applicants filed the present facsimile transmission confirming their request to use the computer readable copy, of the sequence listing in the above-identified international application, in the above-identified related US national stage application. The applicants also request vacation of the Notification of Defective Response mailed 30 September 2003.

DISCUSSION

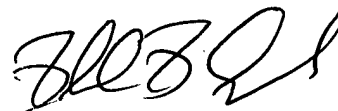
Applicants' request filed 06 June 2003 to use the computer readable form, of the sequence listing filed in the above-identified international application, in the above-identified related US national stage application is acceptable under 37 CFR 1.821(e). Accordingly, it is appropriate to vacate the Notification of Defective Response mailed 30 September 2003.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 to use the computer readable form, of the sequence listing filed in the above-identified international application, in the above-identified related US national stage application under 37 CFR 1.821(e) is **GRANTED**. Further, the Notification of Defective Response (Form PCT/DO/EO/916) mailed 30 September 2003 is hereby **VACATED**.

This application is being forwarded to the DO/EO/US for continued processing in accordance with this decision, that is, for 1) vacation of the Notification of Defective Response (Form PCT/DO/EO/916) mailed 30 September 2003 and 2) preparation and mailing of a Notification of Acceptance (Form PCT/DO/EO/903) indicating a date under 35 USC 371 and 102(e) of 26 March 2002.

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